

Owensby, et al. vs. City of Cincinnati
December 3, 2003

1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ESTATE OF ROGER D. :
OWENSBY JR., et al., :
:
Plaintiffs, :
vs. : Case No. 01-CV-769
: (Judge S. A. Spiegel)
CITY OF CINCINNATI, :
et al., :
:
Defendants. :

Deposition of CHRISTOPHER CAMPBELL,
defendant herein, called by the plaintiffs for
cross-examination, pursuant to the Federal Rules of
Civil Procedure, taken before me, Wendy Davies
Welsh, a Registered Diplomate Reporter and Notary
Public in and for the State of Ohio, at the offices
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &
Walnut Centre, 105 East Fourth Street, Cincinnati,
Ohio, on Wednesday, December 3, 2003, at 2:31 p.m.

Owensby, et al. vs. City of Cincinnati
December 3, 2003

<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Paul B. Martins, Esq. Helmer, Martins & Morgan Co., LPA Suite 1900, Fourth & Walnut Centre 105 East Fourth Street Cincinnati, Ohio 45202 Phone: (513) 421-2400</p> <p>6 John J. Helbling, Esq. The Helbling Law Firm, L.L.C. 3672 Springdale Road Cincinnati, Ohio 45251 Phone: (513) 923-9740</p> <p>9 On behalf of the Defendants City of Golf Manor, Stephen Tilley, Roby Heiland and Chris Campbell:</p> <p>11 Wilson G. Weisenfelder Jr., Esq. Rendigs, Fry, Kiely & Dennis 900 Fourth & Vine Tower One West Fourth Street Cincinnati, Ohio 45202-3688 Phone: (513) 381-9200</p> <p>15 On behalf of the Defendant City of Golf Manor:</p> <p>16 Terrence M. Donnellon, Esq. Donnellon, Donnellon & Miller 9079 Montgomery Road Cincinnati, Ohio 45242 Phone: (513) 891-7087</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 2</p> <p>1 S T I P U L A T I O N S</p> <p>2 It is stipulated by and among counsel for the 3 respective parties that the deposition of 4 CHRISTOPHER CAMPBELL, defendant herein, called by 5 the plaintiffs for cross-examination, pursuant to 6 the Federal Rules of Civil Procedure, may be taken 7 at this time by the notary; that said deposition may 8 be reduced to writing in stenotype by the notary, 9 whose notes may then be transcribed out of the 10 presence of the witness; and that proof of the 11 official character and qualifications of the notary 12 is expressly waived.</p> <p>13 - - -</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>1 On behalf of Defendants City of Cincinnati, Darren Sellers, Jason Hodge:</p> <p>2 Geri Hernandez Geiler, Esq. Assistant City Solicitor Department of Law Room 214, City Hall 801 Plum Street Cincinnati, Ohio 45202 Phone: (513) 352-3346</p> <p>6 On behalf of the Defendants Robert B. Jorg, Patrick Caton, Jason Hodge, Victor Spellen and Darren Sellers:</p> <p>8 Donald E. Hardin, Esq. Hardin, Lefton, Lazarus & Marks, LLC 915 Cincinnati Club Building 30 Garfield Place Cincinnati, Ohio 45202 Phone: (513) 721-7300</p> <p>12 Also present:</p> <p>13 Chief Stephen Tilley</p> <p>14 Lisa Damstrom, Law Clerk Helmer, Martins & Morgan Co., L.P.A.</p> <p>16 - - -</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 3</p> <p>1 I N D E X</p> <p>2 Examination by: Page</p> <p>3 Mr. Martins 6</p> <p>4 Mr. Hardin 54</p> <p>5 Mr. Martins 81</p> <p>6 Mr. Hardin 85</p> <p>7 Mr. Martins 89</p> <p>8 - - -</p> <p>9 E X H I B I T S</p> <p>10 Plaintiff's Exhibit 81 10</p> <p>11 Plaintiff's Exhibit 82 27</p> <p>12 Plaintiff's Exhibit 83 27</p> <p>12 Plaintiff's Exhibit 84 38</p> <p>13 - - -</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

	Page 14		Page 16
1 Q. Do you recall the year?		1 November 7, 2000 you drove your Golf Manor cruiser	
2 A. It was at the end of '95 and the beginning		2 to the Sunoco station at the corner of Seymour	
3 of '96.		3 Avenue and Langdon Farm Road in response to an	
4 Q. In that training at Brown County Police		4 officer needs assistance call; is that right?	
5 Academy did you receive any first aid or CPR		5 A. Yes.	
6 training?		6 Q. Starting with that would you walk me	
7 A. We did receive first aid training.		7 through what happened that evening.	
8 Q. Any CPR training?		8 A. After I arrived at the --	
9 A. I can't recall.		9 Q. No. From the time you hear an officer	
10 Q. Do you have any CPR training?		10 needs assistance call, you're at the Golf Manor	
11 MR. WEISENFELDER: Today?		11 station, police station, I guess. What happens at	
12 MR. MARTINS: Today.		12 that point?	
13 A. I don't have any certification in CPR,		13 A. I heard the broadcast, all-county	
14 today.		14 broadcast. I responded to that area to try to	
15 Q. On November 7th of 2000 did you have any		15 render assistance to any officers.	
16 CPR training?		16 Q. When you heard the broadcast how did you	
17 A. No.		17 hear it? Is it on your mike that's on your uniform	
18 Q. Any certifications at that time?		18 or is there some other radio or something?	
19 A. No.		19 A. It was on the radio that I carry on my	
20 Q. As you know, we are here today concerning		20 duty belt.	
21 the death of Mr. Roger Owensby on November 7, 2000.		21 Q. Were you with Officer Heiland at the time?	
22 Am I correct in understanding that you never		22 A. He was in the room.	
23 provided any medical attention to Mr. Owensby; is		23 Q. So it was broadcast over both of your	
24 that right?		24 radios?	
	Page 15		Page 17
1 A. That's right.		1 A. Yes.	
2 Q. When the Cincinnati police officers		2 Q. Please continue.	
3 removed him from Officer Heiland's Golf Manor		3 A. I responded to the parking lot. As I was	
4 cruiser, did you provide them with a, I think it's		4 getting out I remember hearing a dispatcher tell us	
5 called a mask?		5 to code 4, which means that the situation was over.	
6 A. Yes, a CPR mask.		6 That was as I was exiting my vehicle. And it was at	
7 Q. CPR mask. Where did you obtain that?		7 that time I saw Cincinnati officers moving a suspect	
8 A. It was in my duty bag inside of my		8 towards Officer Heiland's car. And I advised -- I	
9 cruiser.		9 hadn't had a chance to advise that I was in the lot	
10 Q. Had you received training on how to use		10 yet. And I advised I was clear on her information,	
11 that mask device?		11 but would be remaining there, because Cincinnati was	
12 A. I don't recall formal training.		12 putting their prisoner in one of our cars.	
13 Q. Any informal training?		13 Q. When you say you advised her, who is the	
14 A. Explanation of how it worked.		14 "her" you're referring to?	
15 Q. From whom?		15 A. The Hamilton County dispatcher.	
16 A. I can't recall.		16 Q. What happened next?	
17 Q. On the night of November 7, 2000, were		17 A. I can't recall the details. We basically	
18 there any supervisors, Golf Manor supervisors		18 were waiting there for a Cincinnati officer to get	
19 present at the police station?		19 their prisoner out of our car.	
20 A. No.		20 Q. Did you see the Cincinnati police officers	
21 Q. Was it just you and Officer Heiland?		21 physically put Mr. Owensby in Officer Heiland's car?	
22 A. Yes.		22 A. No, I didn't.	
23 (Discussion off the record.)		23 Q. Your attention was directed somewhere	
24 Q. As I understand it, on the night of		24 else?	

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1 was conscious or unconscious at the time that they
2 were moving him toward the Golf Manor cruiser?
3 A. At the time I assumed he was conscious,
4 but looking back, I can't tell.
5 Q. Did it appear to you that the Cincinnati
6 police officers were struggling to move him toward
7 the cruiser?
8 A. Yes.
9 Q. Do you know whether or not that struggling
10 by the police officers was because he was
11 unconscious?
12 A. I don't.
13 Q. You don't know one way or the other?
14 A. No.
15 Q. Am I correct in understanding that in the
16 entire time that you saw Mr. Owensby that evening,
17 you never saw him move?
18 MR. WEISENFELDER: Objection as to the
19 form.
20 Go ahead.
21 A. No.
22 Q. The entire time that you saw Mr. Owensby
23 that evening you never saw him make any noise, any
24 sound?

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1 MR. WEISENFELDER: Okay.
2 BY MR. MARTINS:
3 Q. This is a transcript of your testimony
4 before a grand jury on December 5 of 2000. Do you
5 recall testifying before a grand jury?
6 A. Yes.
7 Q. I want to direct you to some matters in
8 here. First start at page 48, bottom of the page,
9 beginning at line 23. The question is, "Again how
10 long did it take for you to get there once you heard
11 the call?" "There" being the Sunoco station.
12 And the answer is, "I would say one and a
13 half to two minutes."
14 Is that still your best recollection of
15 how long it took you to get there that evening?
16 A. Yes.
17 Q. There is a life squad also at the police
18 station, the Golf Manor police station; is that
19 right?
20 A. At the fire department.
21 Q. At the fire department? Is that next to
22 the police station?
23 A. Yes.
24 Q. Would it be your best estimate that if

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1 A. No. No.
2 Q. Let me show you a couple of documents
3 here. (Plaintiff's Exhibit
4 was marked for identi-
5 fication.)
6 Q. The first is your statement of that night,
7 November 7, 2000. It's marked as Exhibit 82.
8 That's for you. That's for counsel.
9 A. Okay.
10 Q. Is Exhibit 82 the statement that you gave
11 on November 7th at just about midnight on that day?
12 A. Yes.
13 Q. This is the statement or one of the
14 documents you reviewed in preparation for this
15 deposition?
16 A. Yes.
17 Q. I want to show you another document.
18 (Plaintiff's Exhibit
19 was marked for identi-
20 fication.)
21 MR. MARTINS: Mark this as Exhibit 83.
22 Pass that over to Mr. Weisenfelder.
23 MR. WEISENFELDER: You don't want him to
read the whole thing, do you?
24 MR. MARTINS: No.

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1 called, the life squad would take between a minute
2 and a half and two minutes to get to that location,
3 to the convenience store?
4 MR. WEISENFELDER: Objection.
5 Go ahead.
6 A. Yes. That would be driving time.
7 Q. Right. Look at page 50, please, next
8 page. Line 4, you say, "Once I saw that they had
9 somebody handcuffed and were putting him in the car
10 they had just got to where the, I don't know if they
11 were opening the back door or they were real close
12 to the car, I turned my attention towards the front
13 of the store because there was still a group of
14 people there. . ." Do you see that?
15 A. Yes.
16 Q. That's consistent with what you've
17 testified to today, right?
18 A. Yes.
19 Q. You say that, "I saw that they had
20 somebody handcuffed." Does that refresh your
21 recollection that you did know on that evening that
22 Mr. Owensby was, in fact, handcuffed?
23 A. That would be an assumption. I don't
24 remember seeing the handcuffs when they were moving

<p style="text-align: right;">Page 22</p> <p>1 a suspect toward the Golf Manor cruiser did you 2 happen to notice whether or not he was handcuffed? 3 A. No. I -- no. I couldn't see the 4 handcuffs. There was a few people around him. 5 Q. When you look in, you see him laying on 6 his side, on his right side. Is his head behind the 7 driver's front seat or the passenger's front seat? 8 A. His head was behind the driver's front 9 seat. 10 Q. Was his face facing the trunk? 11 A. Yes. 12 Q. Do you know if his face was up against the 13 portion of the back seat where your back and 14 shoulders would rest if you're sitting in the seat? 15 A. I can't remember. 16 Q. Do you know if his head was against the 17 door, rear driver's side door? 18 A. No, I can't remember. 19 Q. What was the position of his head, other 20 than facing the trunk? Was it up, down, over to the 21 side? 22 A. I can't remember. 23 Q. Let me show you what previously has been 24 marked as Exhibit 67. Does Exhibit 67 look like the</p>	<p style="text-align: right;">Page 24</p> <p>1 the name of Brazile? 2 A. Officer Heiland introduced me to him that 3 night. 4 Q. Do you recall that Brazile came over and 5 talked to you and Officer Heiland? 6 A. I recall getting introduced to him. I 7 can't remember if it was by the cruiser or not. 8 Q. Do you know whether or not Officer Brazile 9 looked in on Mr. Owensby? 10 A. I can't remember for certain. 11 Q. Do you recall whether or not Officer 12 Brazile said anything to you or Officer Heiland in 13 your presence? 14 A. I can't remember for certain. 15 Q. In answering my questions, you're saying, 16 "I can't remember for certain." Is there something 17 you can remember, but you're just -- 18 A. I remember being introduced to him. At 19 that time, you know, in my mind, the incident was 20 pretty much over. So it was pretty much waiting for 21 the city to get the person out of the car. 22 Q. Did anyone tell you that the city was 23 going to get the person out of the car? 24 A. No.</p>
<p style="text-align: right;">Page 23</p> <p>1 back seat of the Golf Manor cruiser? 2 A. Yes. 3 Q. In which Mr. Owensby was laying? 4 A. Yes. 5 Q. As you look at that photograph can you 6 tell whether or not the photograph is taken from the 7 driver's rear door or the passenger's rear door? 8 A. The driver's rear door. 9 Q. So as I understand your testimony, if Mr. 10 Owensby were laying on that seat his head would be 11 toward the open part of that door? 12 A. Yes. 13 Q. When you looked in did you see any 14 movement by Mr. Owensby? 15 A. No. 16 Q. Did you hear anything from Mr. Owensby? 17 A. No. 18 Q. What happened next? 19 A. I can't remember specifically, other than 20 waiting for Cincinnati to get their prisoner. 21 Q. Did you remain around the passenger rear 22 portion of Officer Heiland's cruiser? 23 A. I can't remember. 24 Q. Do you know a Cincinnati police officer by</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. In your experience had there been 2 situations where, as part of this cooperation 3 between police departments, not only did Golf Manor 4 have somebody in the car, but that Golf Manor 5 transported the person for the city? 6 A. Not in my experience. 7 Q. Either before or after November 7, 2000? 8 A. No. 9 Q. When you observed the police officers 10 moving Mr. Owensby toward Officer Heiland's cruiser 11 you saw one officer on each side carrying Mr. 12 Owensby by the arms; is that right? 13 A. I saw officers on both sides. 14 Q. How were they holding Mr. Owensby? 15 A. I -- I can't -- I didn't see -- there was 16 three or four officers around him. 17 Q. As the officers were moving Mr. Owensby 18 toward Officer Heiland's car do you recall whether 19 or not Mr. Owensby's head was erect, if it was down, 20 off to the side, back, what the position of the head 21 was? 22 A. I -- I was blocked by the officers. I 23 couldn't see. 24 Q. Could you tell whether or not Mr. Owensby</p>

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1 him towards the car.	1 A. I can't remember for certain.
2 Q. Take a look at page 53, please. At line 2	2 Q. People cough without having been Mace'd.
3 you say, "I don't know for sure. When I saw him he	3 What was it that led you to believe that this
4 wasn't vertical, you know, he looked like he was	4 coughing was the result of Mace being used?
5 being drug." Is that an accurate description of	5 A. I assumed so because of the fact that they
6 what you saw as the officers were taking Mr. Owensby	6 had to struggle with the suspect.
7 to the Golf Manor cruiser?	7 Q. When you say that they had to struggle
8 A. Yes.	8 with the suspect, is that based on what you heard on
9 Q. When you say it "looked like he was being	9 the radio incoming over or based on you seeing them
10 drug," would you explain that or clarify that for	10 struggling to escort him to the vehicle?
11 me.	11 A. What I heard on the radio.
12 A. There were three or four officers around	12 Q. What do you recall hearing on the radio?
13 him and they had a hold of him and were moving him	13 A. I can only remember a broadcast for
14 towards the car.	14 officer needs assistance.
15 Q. The question then is: "When you say he	15 Q. You took that to mean that if an officer
16 wasn't vertical, can you describe it a little	16 needs assistance a suspect is offering resistance
17 further?	17 and there's a struggle?
18 And you say: "He wasn't walking on his	18 A. Yeah. I can't remember what I heard.
19 own.	19 Q. On page 63 beginning at line 3 there's a
20 "Question: Was he slumped over?	20 question from a juror and then you say, "I mean I
21 "Answer: I can't remember if he was	21 didn't notice his feet. At the time I thought he
22 slumped over. He was -- I mean the officers had him	22 was struggling because the officers, you know, were,
23 under each arm. Somebody might have had a leg, I am	23 you know, kind of adamant can we get him in your car
24 not, like I said I glanced at them for a few	24 and they were moving him and a lot of people are
Page 31	Page 33
1 seconds, I can't say for sure. There was a group of	1 sometimes still moving when they are handcuffed. I
2 officers moving him towards the police car."	2 don't know if he was unconscious or because he was
3 Is that still an accurate description of	3 struggling." Do you see that?
4 what you saw?	4 A. Yes.
5 A. Yeah.	5 Q. Is that true today, that to your
6 Q. "The officers had him under each arm."	6 recollection of the events of November 7, you
7 Would you describe for me precisely how they were	7 couldn't tell whether or not the problems the
8 holding Mr. Owensby under each arm?	8 officers were experiencing in getting him to the car
9 A. It appeared they were holding him up near	9 were because he was unconscious and it was dead
10 where the arm met the shoulder.	10 weight to carry or whether or not he was struggling
11 Q. The armpit?	11 with them?
12 A. Yes.	12 A. That's correct.
13 Q. How were their arms or hands situated in	13 Q. Then further down at line 16 you say, "I
14 relation to Mr. Owensby's arms or armpit?	14 couldn't see his head." Do you see that?
15 A. I couldn't see. I can't remember.	15 A. Yes.
16 Q. Go to page 57, please. Line 6, you say,	16 Q. That's consistent with what you told us
17 "The only thing I can remember is I think mace had	17 here today?
18 been used because one of the plain clothes officers	18 A. Yes.
19 was coughing as he was walking back towards the	19 Q. Go to the top of page 64, please. At
20 front of the store." Do you recall seeing that?	20 line 4 you say, "I have been on runs before where
21 A. I recall seeing somebody coughing.	21 Cincinnati has put prisoners in my car or Amberley
22 Q. Was the plainclothes officer to which	22 Village has put people in my car. If you are the
23 you're referring here, was that an African-American	23 most convenient and you are the closest they will
24 or a white officer?	24 secure the [prisoner] in there."

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<p>1 A. Yes, it was.</p> <p>2 Q. Where?</p> <p>3 A. I saw that they had a suspect, appeared in 4 custody, at Officer Heiland's car. That was when I 5 turned my attention towards the front of the store 6 where there was still some people standing.</p> <p>7 Q. You turn your attention to the front of 8 the store where some people are standing. What 9 happens next?</p> <p>10 A. I can remember seeing some handcuffs on 11 the ground that had fallen, I'm guessing, out of an 12 officer's hands.</p> <p>13 MR. WEISENFELDER: You don't guess. Tell 14 them what you saw.</p> <p>15 THE WITNESS: Okay.</p> <p>16 A. Some handcuffs were on the ground in the 17 parking lot. When I saw that there was no trouble 18 in front of the store I walked over towards the 19 cruiser.</p> <p>20 Q. Let me ask you something. As to the 21 handcuffs, where were they located, the handcuffs on 22 the ground?</p> <p>23 A. In the parking lot near a vehicle.</p> <p>24 Q. Was it a vehicle near the door, the</p>	<p>Page 18</p> <p>1 Q. Was it near the rear passenger tire?</p> <p>2 A. It was near the back passenger's side 3 which would be near the tire.</p> <p>4 Q. Do you know if it was in front of the tire 5 or behind the tire?</p> <p>6 A. I can't remember.</p> <p>7 Q. So your attention's directed around there, 8 and then what happens next?</p> <p>9 A. I see that there appears to be no further 10 trouble that way. That's when I walked over towards 11 the Golf Manor cruiser.</p> <p>12 Q. Where was Officer Heiland?</p> <p>13 A. I can't remember.</p> <p>14 Q. Was he with you when you walked over to 15 the cruiser?</p> <p>16 A. I can't remember if he approached me or I 17 approached him.</p> <p>18 Q. When you say the Golf Manor cruiser, are 19 you referring to Officer Heiland's cruiser?</p> <p>20 A. Yes.</p> <p>21 Q. What happened after that? You're walking 22 over toward the cruiser. What happens next?</p> <p>23 A. Next I looked in the cruiser to see if I 24 recognized who was in there. And I also wanted to</p>
<p>1 entrance to the --</p> <p>2 A. Yeah, it was near the front of the store.</p> <p>3 MR. WEISENFELDER: I'm going to give you 4 another instruction. Let him finish his 5 question, okay. Then you get to answer. She 6 can't take down what both of you are saying at 7 the same time. Okay?</p> <p>8 THE WITNESS: Okay.</p> <p>9 BY MR. MARTINS:</p> <p>10 Q. I'm going to show you Exhibit 9, 11 previously marked. Can you tell me whether or not 12 that's the vehicle that the handcuffs were near?</p> <p>13 A. No, I can't remember.</p> <p>14 Q. Did you see anyone pick up the handcuffs?</p> <p>15 A. I don't remember.</p> <p>16 Q. You just remember seeing the handcuffs on 17 the ground near a car?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall where it was in relation to 20 the car? Front, back, under, side?</p> <p>21 A. Near the back.</p> <p>22 Q. Do you know if it was on the passenger's 23 side or on the driver's side?</p> <p>24 A. It was the passenger's side.</p>	<p>Page 19</p> <p>1 make sure that there was no damage being done to the 2 cruiser.</p> <p>3 Q. What did you see when you looked in?</p> <p>4 A. I saw a subject in the back seat of the 5 cruiser.</p> <p>6 Q. What window did you look in?</p> <p>7 A. The back passenger's side window.</p> <p>8 Q. Was the window up?</p> <p>9 A. I can't remember.</p> <p>10 Q. What was the position of the subject on 11 the back seat of the cruiser?</p> <p>12 A. He was lying on his right side, facing the 13 back of the car.</p> <p>14 Q. So on the right shoulder area?</p> <p>15 A. Right. Yes.</p> <p>16 Q. He was handcuffed with his hands behind 17 his back?</p> <p>18 A. I can't remember.</p> <p>19 Q. When you saw the Cincinnati police 20 officers pick him up and begin walking him toward 21 the Golf Manor car did you notice whether or not he 22 was handcuffed?</p> <p>23 A. I didn't see them pick him up.</p> <p>24 Q. When you noticed that officers were moving</p>

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1 was conscious or unconscious at the time that they 2 were moving him toward the Golf Manor cruiser? 3 A. At the time I assumed he was conscious, 4 but looking back, I can't tell. 5 Q. Did it appear to you that the Cincinnati 6 police officers were struggling to move him toward 7 the cruiser? 8 A. Yes. 9 Q. Do you know whether or not that struggling 10 by the police officers was because he was 11 unconscious? 12 A. I don't. 13 Q. You don't know one way or the other? 14 A. No. 15 Q. Am I correct in understanding that in the 16 entire time that you saw Mr. Owensby that evening, 17 you never saw him move? 18 MR. WEISENFELDER: Objection as to the 19 form. 20 Go ahead. 21 A. No. 22 Q. The entire time that you saw Mr. Owensby 23 that evening you never saw him make any noise, any 24 sound?	1 MR. WEISENFELDER: Okay. 2 BY MR. MARTINS: 3 Q. This is a transcript of your testimony 4 before a grand jury on December 5 of 2000. Do you 5 recall testifying before a grand jury? 6 A. Yes. 7 Q. I want to direct you to some matters in 8 here. First start at page 48, bottom of the page, 9 beginning at line 23. The question is, "Again how 10 long did it take for you to get there once you heard 11 the call?" "There" being the Sunoco station. 12 And the answer is, "I would say one and a 13 half to two minutes." 14 Is that still your best recollection of 15 how long it took you to get there that evening? 16 A. Yes. 17 Q. There is a life squad also at the police 18 station, the Golf Manor police station; is that 19 right? 20 A. At the fire department. 21 Q. At the fire department? Is that next to 22 the police station? 23 A. Yes. 24 Q. Would it be your best estimate that if
Page 27	Page 29
1 A. No. No. 2 Q. Let me show you a couple of documents 3 here. 4 (Plaintiff's Exhibit was marked for identi- fication.) 5 6 Q. The first is your statement of that night, 7 November 7, 2000. It's marked as Exhibit 82. 8 That's for you. That's for counsel. 9 A. Okay. 10 Q. Is Exhibit 82 the statement that you gave 11 on November 7th at just about midnight on that day? 12 A. Yes. 13 Q. This is the statement or one of the 14 documents you reviewed in preparation for this 15 deposition? 16 A. Yes. 17 Q. I want to show you another document. 18 (Plaintiff's Exhibit was marked for identi- fication.) 19 20 MR. MARTINS: Mark this as Exhibit 83. 21 Pass that over to Mr. Weisenfelder. 22 MR. WEISENFELDER: You don't want him to 23 read the whole thing, do you? 24 MR. MARTINS: No.	1 called, the life squad would take between a minute 2 and a half and two minutes to get to that location, 3 to the convenience store? 4 MR. WEISENFELDER: Objection. 5 Go ahead. 6 A. Yes. That would be driving time. 7 Q. Right. Look at page 50, please, next 8 page. Line 4, you say, "Once I saw that they had 9 somebody handcuffed and were putting him in the car 10 they had just got to where the, I don't know if they 11 were opening the back door or they were real close 12 to the car, I turned my attention towards the front 13 of the store because there was still a group of 14 people there. . ." Do you see that? 15 A. Yes. 16 Q. That's consistent with what you've 17 testified to today, right? 18 A. Yes. 19 Q. You say that, "I saw that they had 20 somebody handcuffed." Does that refresh your 21 recollection that you did know on that evening that 22 Mr. Owensby was, in fact, handcuffed? 23 A. That would be an assumption. I don't 24 remember seeing the handcuffs when they were moving
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1 Q. Is it your understanding that that is
2 being communicated also to the Cincinnati police
3 officers at the scene?

4 A. No. We were on separate channels.
(Plaintiff's Exhibit 84
5 was marked for identi-
6 fication.)

7 Q. I'll show you one other document here
8 marked as Exhibit 84. Exhibit 84 is a transcript of
9 your testimony during the trial of Officer Caton.
10 Do you recall testifying at Officer Caton's trial?

11 A. Yes.

12 Q. As you sit here today, is there anything
13 in your mind, any testimony that you gave in either
14 the grand jury or Officer Caton's trial that you
15 would like to correct in some fashion?

16 MR. WEISENFELDER: Objection.

17 MR. HARDIN: I'll join in that objection.

18 MR. WEISENFELDER: Thank you.

19 A. No.

20 Q. As of November 7, 2000 had you received
21 any guidance from Golf Manor concerning the
22 situation, your duties and obligations when a
23 prisoner of another jurisdiction or another agency
24 is placed in a Golf Manor cruiser?

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1 A. It was always my understanding that when
2 you're in another jurisdiction you're there to
3 assist that department.

4 Q. Had you received any training on this
5 issue as far as what you were obligated to do and
6 what you were not obligated to do?

7 A. I can't remember.

8 Q. Do you have any understanding that,
9 regardless of whose prisoner it is, once a person is
10 placed in your cruiser that you are responsible for
11 that person's welfare?

12 MR. WEISENFELDER: Objection. Go ahead.

13 A. No.

14 Q. No?

15 A. No.

16 Q. Regardless of whose prisoner it is, if you
17 know that a person is injured, as a Golf Manor
18 police officer, do you believe that you have a duty
19 to provide medical assistance to that person?

20 MR. WEISENFELDER: Objection. Go ahead.

21 A. Not me personally.

22 Q. When Officer Brazile came over to the car
23 and you met Officer Brazile, do you recall whether
24 or not Officer Brazile advised Officer Heiland and

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1 you that he did not -- he was concerned that it
2 looked like Mr. Owensby could not breathe in the
3 back seat of the car?

4 MR. HARDIN: Objection.

5 MR. WEISENFELDER: Objection.

6 MR. HARDIN: Form.

7 A. I can't remember specific comments.

8 Q. In the pile of exhibits that you have
9 there over on the side, pull out Exhibit 71.

10 A. In here?

11 Q. Yes.

12 MR. MARTINS: Are you ready?

13 MR. WEISENFELDER: Yeah.

14 MR. MARTINS: I wasn't sure if you were
15 reviewing.

16 Q. I want to direct your attention to
17 page 54. This is the transcript of the deposition
18 of Officer Brazile.

19 Beginning at line 3 on page 54, the
20 question is: "Did you say anything to Officer
21 Heiland at that time, after seeing Mr. Owensby with
22 your flashlight?

23 "Answer: Yes.

24 "What did you say to Officer Heiland?

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1 "I walked around to the other side of the
2 vehicle."

3 "To the -- to the --

4 "To where they were.

5 "Question: -- rear of the passenger's side
6 of the vehicle?

7 "Where they were standing.

8 "Okay.

9 "Answer: And I asked him, I said, 'The
10 guy you have in your car, is he okay?' I said, 'Can
11 he breathe?' I said, 'He's in a' -- you know,
12 position that looked like he was in, it may have
13 been hard, so I asked him. I'm figuring he's their
14 prisoner. No one ever said whose he was. I figured
15 he was theirs, because he was in their car.

16 "And basically I was just trying to let
17 them know to check on him, just to see what's going
18 on with him or did they know or had they checked. I
19 don't know. I just had arrived.

20 "And basically when I told them, you know,
21 they basically just stood there and kind of like
22 shrugged their shoulders.

23 "Question: Both of them?

24 "Answer: From what I recall."

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1 If you go down to line 12, the question
2 is: "Did Officer Heiland or the other officer,
3 Officer Campbell, say anything to you in response?
4 "Answer: No. No, sir."

5 Do you recall Officer Brazile saying
6 anything to the effect of, Can he breathe? The guy
7 in your car, is he okay?

8 A. I can't remember that.

9 Q. Do you recall, in response to something
10 Officer Brazile said, either you or Officer Heiland
11 shrugging your shoulders?

12 A. No.

13 Q. If you go to page 56, line 14, the
14 question is, "As I recall, your statement was
15 something along the lines of: This looks fucked up,
16 can he breathe, it don't look like he can from the
17 way he's laying.

18 "Answer: Uh-huh.

19 "Question: Is that accurate to your
20 recollection?

21 "Answer: Yes."

22 Do you recall those words being said to
23 you by Officer Brazile?

24 A. I can't remember what he said.

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1 written direction concerning what your duties and
2 obligations would be under this mutual aid
3 agreement?

4 A. I can't remember any.

5 Q. I want to show you a video. It was taken
6 from the police camera in the car of one of the
7 Cincinnati police officers on the night of
8 November 7, 2000. I'm going to run it for you
9 straight through once so you can see the whole
10 thing. It's about five minutes. Then I'll come
11 back and ask you some questions. Okay?

12 A. Okay.

13 Q. The exhibit number is 20 on the video.
14 (Videotape played.)

15 Q. From what you've seen in Exhibit 20, the
16 video, do you recognize any of the police officers,
17 the Cincinnati police officers?

18 A. I recognized Jorg.

19 Q. Other than Officer Jorg, anyone else?

20 A. I'd have to see it again.

21 Q. You will.

22 MR. HARDIN: Asked and answered.

23 Objection.

24 This is only the 43rd time I've seen this.

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1 Q. If Officer Brazile had said what I just
2 read to you from his deposition, based on your
3 training and your experience with Golf Manor, would
4 you feel that you had a duty to check on the
5 condition of Mr. Owensby?

6 MR. HARDIN: Objection.

7 MR. WEISENFELDER: Objection.

8 A. I would ask the city to check their
9 prisoner.

10 Q. In the time that you and Officer Heiland
11 were standing outside the car did either you or
12 Officer Heiland ever ask the city to check on the
13 prisoner?

14 A. No.

15 Q. Take a look at Exhibit 78, please.

16 Exhibit 78 is a mutual aid agreement between
17 Cincinnati and various municipalities in the greater
18 Cincinnati area. Have you had occasion to look at
19 that mutual aid agreement before today?

20 A. No.

21 Q. Have you ever received any instruction
22 from Golf Manor concerning the mutual aid agreement?

23 A. I can't remember specific instruction.

24 Q. Do you recall receiving any memos or any

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1 (General laughter.)

2 (Videotape playing.)

3 Q. We're at 11 seconds into the video.

4 There's a Golf Manor cruiser in the center of the
5 frame. Is that the car that you drove over?

6 A. Yes.

7 Q. We're at 17 seconds into the video. There
8 are two officers in the middle of the screen. Is
9 that you and Officer Heiland?

10 A. Yes.

11 Q. You are to the right as we face the
12 screen?

13 A. Yes.

14 Q. We're 27 seconds into the video. There's
15 a second Golf Manor cruiser with its top lights on.
16 Is that Officer Heiland's cruiser?

17 A. Yes.

18 Q. That's the cruiser in which Mr. Owensby
19 lay?

20 A. Yes.

21 Q. We are at 44 seconds into the video.

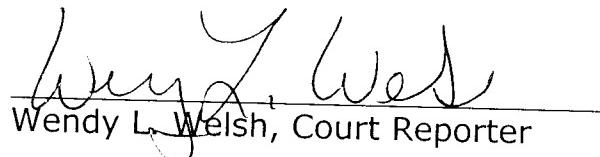
22 There is an officer, a Cincinnati police officer
23 walking directly in front of the car. Is that
24 Officer Jorg?

	Page 46		Page 48
1	A. Yes.	1	to remove him from the Golf Manor car and they do
2	Q. Just pausing it. If you see any police	2	that?
3	officer that you know, just sound out.	3	A. Yes.
4	A. I --	4	Q. What happens next?
5	Q. Okay. Go ahead.	5	A. They laid him on the ground, and I can't
6	A. One looked like Caton.	6	remember the details. I think one of them was going
7	Q. I'm stopping it at 50 seconds into the	7	to start CPR or thought CPR was necessary.
8	video. Is the officer to the left of the screen as	8	Q. Do you recall whether or not when they
9	you face it Officer Caton?	9	laid him on the ground, whether or not Mr. Owensby's
10	A. It looks like it.	10	hands were still behind his back?
11	Q. I'm at a minute 14 seconds into the video.	11	A. I can't remember.
12	There's a plainclothes person that's just crossed	12	Q. Continue.
13	the screen. Do you know if that was the person that	13	A. As they were starting CPR I told them I
14	you saw coughing?	14	had a mask in my car, I would get it for them.
15	A. No, I don't.	15	Q. You did that?
16	Q. You don't know?	16	A. Yes.
17	A. (Shaking head.)	17	Q. Walked over to your car and came back?
18	Q. We're at 2 minutes 11 seconds into the	18	A. Yes.
19	video. There is a gentleman in plainclothes in the	19	Q. What happened next?
20	middle of the screen. Do you know if he was the	20	A. They performed CPR, an ambulance arrived,
21	person that was coughing from being Maced?	21	and Owensby was taken in the ambulance.
22	A. I can't remember.	22	Q. When they were performing, when the
23	Q. We're at 4 minutes 31 seconds into the	23	officers were performing CPR did you notice whether
24	video. Again, the Golf Manor car that's in the	24	or not any substance came out of his mouth, Mr.
	Page 47		Page 49
1	center of the screen, that's your car, right?	1	Owensby's mouth?
2	A. Yes.	2	A. I don't remember seeing anything come out.
3	Q. Just so that we're clear, Mr. Owensby is	3	I remember seeing his face was bloody.
4	not in your car, correct?	4	Q. Was this the first time that you noticed
5	A. Correct.	5	that his face was bloody?
6	Q. No one is in your car?	6	A. No.
7	A. Nobody's in my car.	7	Q. When was the first time that you noticed
8	Q. At some point in time Mr. Owensby was	8	his face was bloody?
9	taken out of Officer Heiland's cruiser, correct?	9	A. When I first glanced in the car I saw that
10	A. Yes.	10	there was blood on the seat.
11	Q. Did you see that?	11	Q. Did you notice there was blood on his face
12	A. Yes, I did.	12	also?
13	Q. What did you see happen?	13	A. Yeah.
14	A. As I remember it, a sergeant was trying to	14	Q. When you saw that did you report that to
15	talk to him, find out his name, and he wasn't	15	anybody?
16	responsive. He instructed some officers to get him	16	A. No.
17	out of the car.	17	Q. Was there a Cincinnati, I guess, life
18	Q. What side of the car was the sergeant on?	18	squad or EMT unit that arrived?
19	A. The sergeant was on the driver's side.	19	A. Yes.
20	Q. Do you recall whether or not the sergeant	20	Q. When they arrived were you present?
21	asked Officer Heiland to roll down the window, the	21	A. I was still at the scene.
22	back window?	22	Q. Do you recall whether or not anyone from
23	A. I can't remember if he asked him.	23	that Cincinnati life squad instructed the Cincinnati
24	Q. So the sergeant asks some other officers	24	officers to remove the handcuffs from Mr. Owensby?

AFFIDAVIT

STATE OF OHIO : SS
COUNTY OF HAMILTON :

I, Wendy L. Welsh, Notary Public in and for the State of Ohio, do hereby state that the transcript of the deposition of CHRISTOPHER CHAMPBELL, deponent herein, having been submitted to said deponent for review and signature, has not been signed within the thirty (30) day period allowed under the Federal Rules; said deposition to now have the same force and effect as though signed.



Wendy L. Welsh, Court Reporter

Sworn to before me this 27th day of January, 2004.



Thomas M. Blasing

Notary Public - State of Ohio

My commission expires:
May 4, 2004.